

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:12-cv-00235-MR**

RONA PERCY and)
STEPHEN PERCY,)
Plaintiffs,)
vs.) ORDER
BANK OF AMERICA, N.A.,)
and MINDY JOHNSON,)
Defendants.)

)

THIS MATTER is before the Court *sua sponte*.

On August 10, 2012, the Plaintiffs filed this action against the Defendants Bank of America, N.A. and Mindy Johnson. [Doc. 1]. To date, there is nothing in the record to indicate that the Plaintiffs have served the Defendant Mindy Johnson.

Rule 4(m) of the Federal Rules of Civil Procedure provides, in pertinent part, as follows:

If a defendant is not served within 120 days after the complaint is filed, the court – on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice against that defendant or order that service be made within a specified time.

But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

Fed. R. Civ. P. 4(m).

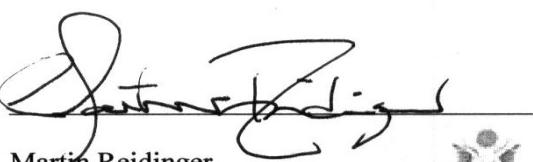
The Plaintiffs are hereby placed on notice that unless good cause is shown to the Court for their failure to effect service of the Summons and Complaint on Defendant Johnson within fourteen (14) days from service of this Order, the Plaintiffs' action against this Defendant shall be dismissed without prejudice without further order.

IT IS, THEREFORE, ORDERED that the Plaintiffs shall show good cause within fourteen (14) days of service of this Order for the failure to effect service on the Defendant Mindy Johnson; and

IT IS FURTHER ORDERED that failure of the Plaintiffs to respond in writing within fourteen (14) days shall result in a dismissal without prejudice of this action without further order of the Court.

IT IS SO ORDERED.

Signed: January 30, 2013



Martin Reidinger
United States District Judge

